

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1863.

Read twice and referred to the Committee on the Judiciary.

AN ACT

To provide for the election of representatives in Congress from the States of Tennessee and Louisiana.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, until otherwise provided by the legislature of the State
4 of Tennessee, representatives in Congress from said State
5 shall be elected at the times, places, and in the manner pre-
6 scribed in this act, anything in the laws of said State to the
7 contrary notwithstanding.

1 SEC. 2. *And be it further enacted,* That, for the pur-
2 pose of electing such representatives under the Eighth Census
3 of the United States and the laws now in force apportioning
4 the same among the States, the State of Tennessee is divided
5 into eight congressional districts, as follows:

6 The first district comprises the counties of Hancock,
7 Hawkins, Sullivan, Johnson, Carter, Washington, Green,
8 Cocke, Jefferson, and Sevier.

9 The second district comprises the counties of Granger,
10 Claiborne, Campbell, Anderson, Union, Knox, Blunt, Mon-
11 roe, Roane, Morgan, Scott, Fentress, and Cumberland.

12 The third district comprises the counties of McMinn,
13 Polk, Meigs, Rhea, Bradley, Hamilton, Sequatchee, Bledsoe,
14 Van Buren, White, De Kalb, Putnam, Overton, and Jackson.

15 The fourth district comprises the counties of Marion,
16 Franklin, Grundy, Warren, Coffee, Lincoln, Marshall, Giles,
17 Maury, and Lawrence.

18 The fifth district comprises the counties of Bedford,
19 Cannon, Rutherford, Wilson, Smith, Macon, Sumner, and
20 Williamson.

21 The sixth district comprises the counties of Davidson,
22 Robertson, Cheatham, Montgomery, Stewart, Dickson, Henry,
23 Humphreys, Hickman, and Lewis.

24 The seventh district comprises the counties of Weakley,
25 Obion, Dyer, Gibson, Carroll, Benton, Lauderdale, Haywood,
26 Henderson, and Decatur.

27 The eighth district comprises the counties of Shelby,
28 Tipton, Fayette, Hardiman, Madison, McNairy, Hardin,
29 Wayne, and Perry.

1 SEC. 3. *And be it further enacted,* That the representa-
2 tives in Congress from said State, under said census and
3 apportionment, shall be elected on the first Thursday of Au-
4 gust, anno Domini eighteen hundred and sixty-three, and on

5 the first Thursday of August, biennially, thereafter. The
6 polls at said election shall be opened between the hours of
7 seven o'clock ante meridian and eight o'clock ante meridian
8 of said days, and shall be closed at sunset.

1 SEC. 4. *And be it further enacted,* That said election
2 shall be held at the court-house of each county of the State,
3 and such other places as may be designated by the returning
4 officer; at which election all citizens of the county in which
5 the election is held, having the qualifications of electors pre-
6 scribed in article four, section one, of the constitution of Ten-
7 nessee, shall have the right to vote. The mode of conducting
8 said election, and the proceedings at the polls, so far as the
9 same are not inconsistent with this act, shall be the same as
10 are prescribed in the code of Tennessee, in article seven of
11 said code, entitled "proceedings at the polls."

1 SEC. 5. *And be it further enacted,* That, for the purpose
2 of holding and conducting said elections, the acting governor
3 of the State shall appoint for each county one officer to be
4 styled the returning officer of the county, who shall appoint
5 three judges or inspectors of said election for each ballot-box,
6 either of whom may administer any oath authorized by law
7 to be administered in conducting said election. Said returning
8 officers and inspectors shall be resident freeholders of the
9 county for which they are appointed. Said inspectors may
10 appoint as many clerks to aid them in recording the names

11 of the voters at said election in the poll-lists, and in counting
12 the votes as they shall deem necessary, not exceeding two in
13 number, for each ballot-box. And it shall be the duty of
14 such returning officers to provide as many ballot-boxes,
15 respectively, and to appoint inspectors therefor at each place
16 fixed for voting as may be necessary; and the same may be
17 increased at any time during the progress of the voting, if
18 necessary.

1 SEC. 6. *And be it further enacted,* That if the acting
2 governor shall fail to make appointment of returning officer
3 of election in any county, the sheriff, coroner, or chairman
4 of the county court, precedence of authority being given in
5 the order in which they are herein named, shall appoint a
6 respectable resident freeholder of the county as such returning
7 officer. Or if any returning officer appointed by the acting
8 governor shall from any cause fail to serve, the vacancy so
9 occasioned shall be filled as aforesaid by such sheriff, coroner,
10 or chairman of the county court.

1 SEC. 7. *And be it further enacted,* That each of said
2 officers, including the clerks, before entering upon his duty,
3 shall take an oath to support, protect, and defend the
4 Constitution and government of the United States against all
5 enemies, domestic and foreign, and to bear true faith, allegi-
6 ance, and loyalty to the same, any law, ordinance, or resolu-
7 tion of any State legislature, or convention, to the contrary

8 notwithstanding. Each returning officer and clerk shall also
 9 take the oaths prescribed for inspectors and clerks of election,
 10 respectively, in sections eight hundred and forty-four and
 11 eight hundred and forty-five of the code of Tennessee.

1 SEC. 8. *And be it further enacted*, That the acting
 2 governor shall give thirty days' notice of the time and places
 3 of holding such election, by publication in one newspaper
 4 printed at the seat of government of said State, and, if prac-
 5 ticable, in one other newspaper published in or in general cir-
 6 culation in each congressional district; and it shall also be the
 7 duty of said returning officers of the county to give notice,
 8 by written advertisement at the court-house door, and other
 9 public places in each county, of the time and places for hold-
 10 ing said election, as soon as possible after receiving notice of
 11 his or their appointment.

1 SEC. 9. *And be it further enacted*, That within a reason-
 2 able time, and not less than ten days prior to each election,
 3 the acting governor shall issue and cause to be delivered to the
 4 returning officer in each county in said State. a writ of elec-
 5 tion, to be substantially in the following form, and which
 6 shall be returned within twenty days after the day of election:

7 United States of America, State of Tennessee, ss:

8 To ——— ———, returning officer for the county of
 9 ———, greeting: You are hereby commanded to hold an
 10 election for representative to the Congress of the United

11 States, for the ——— congressional district of the State of
 12 Tennessee, in and for the county of ———, in said State;
 13 and having held such election, you will make return of this
 14 writ, without unnecessary delay, to the office of the secretary
 15 of state of the State of Tennessee, showing your proceedings
 16 thereon, and how the same has been executed, with a schedule
 17 annexed thereto, by you certified and signed, showing the
 18 name of each candidate voted for at such election and the
 19 number of votes cast for each candidate.

20 Given under my hand and the seal of the State of Ten-
 21 nessee, at ———, this ——— day of ———, anno Domini
 22 eighteen hundred and sixty ———.

23 ——— ———, Acting Governor.

24 Attest :

25 ——— ———, Secretary of State.

1 SEC. 10. *And be it further enacted*, That every person
 2 offering to vote at any election by this act provided for, whose
 3 right to vote shall be challenged by any legal voter on the
 4 ground of disloyalty to the United States, shall take and sub-
 5 scribe the following oath, to wit :

6 I, ——— ———, do solemnly swear (or affirm) that
 7 I will support, protect, and defend the Constitution and gov-
 8 ernment of the United States against all enemies, whether
 9 domestic or foreign; that I will bear true faith, allegiance,
 10 and loyalty to the same, any ordinance, resolution, or law of

11 any State convention, legislature, or other organization, secret
 12 or otherwise, to the contrary notwithstanding; and that I do
 13 this with a full determination and of my own free will, with-
 14 out any mental reservation or evasion whatsoever.

1 SEC. 11. *And be it further enacted,* That so soon as
 2 practicable after the polls are closed and the votes counted, ₁
 3 the poll-books, containing the names of the candidates voted
 4 for and the number of votes cast for each, shall be certified
 5 and signed by the inspectors, and the poll-lists containing the
 6 names of all the electors who voted at said election shall be
 7 certified and signed by the clerks, and thereupon said poll-
 8 books and poll-lists shall be delivered to the returning officer
 9 of the county, who shall deliver them at the office of the
 10 secretary of state at the same time with the return of the
 11 writ of election, there to be filed and preserved.

1 SEC. 12. *And be it further enacted,* That upon the
 2 return of the writs of election the acting governor and secre-
 3 tary of state shall, in the presence of such of the candidates
 4 and electors as may choose to be present, canvass all the said
 5 returns so made, compare each return with the poll-book from
 6 the same county, and upon ascertaining the number of votes
 7 cast for each candidate voted for, the acting governor shall
 8 make and deliver to the candidate having the highest number
 9 of votes in his district an official certificate of his election.

1 SEC. 13. *And be it further enacted,* That if, from any

2 cause, the people of any congressional district in said State
 3 shall fail to elect a representative to Congress at the time
 4 provided for such election in this act, or if, after such elec-
 5 tion, a vacancy in the representation of any district shall
 6 occur by death, resignation, or otherwise, it is made the duty
 7 of the acting governor to issue writs of election to fill the
 8 vacancy so existing; which writs shall be executed and
 9 returned, the election notified and conducted, and its result
 10 authenticated in all respects in conformity with this act.

1 SEC. 14. *And be it further enacted*, That in the event
 2 the thirty-eighth Congress shall be convened in extraordi-
 3 nary session by the President before the period fixed by this
 4 act for election of members of Congress for the State of Ten-
 5 nessee for said Congress, then, and in that event, the election
 6 provided by this act may be holden by the persons herein
 7 empowered to hold the same on the fourth Thursday after the
 8 date of the proclamation of the President convening such
 9 extraordinary session.

1 SEC. 15. *And be it further enacted*, That, until other-
 2 wise provided by the legislature of the State of Louisiana,
 3 representatives in Congress from said State shall be elected
 4 at the times, places, and in the manner prescribed in this act,
 5 anything in the laws of said State to the contrary notwith-
 6 standing.

1 SEC. 16. *And be it further enacted*, That for the pur-

2 pose of electing such representatives under the Eighth Census
 3 of the United States, and the laws now in force apportioning
 4 the same among the States, the State of Louisiana is divided
 5 into five congressional districts, as follows: The first district
 6 comprises all that portion of the parish of Orleans lying
 7 below and east of Canal street, in the city of New Orleans;
 8 and all that portion of the same parish lying on the right
 9 bank of the Mississippi river; and also the parishes of Saint
 10 Bernard, Plaquemines, Saint Tammany, and Washington.
 11 The second congressional district comprises all that portion
 12 of the parish of Orleans lying above Canal street, on the left
 13 bank of the Mississippi river; and also the parishes of Jef-
 14 ferson, Terrebonne, and Lafourche. The third congressional
 15 district comprises the parishes of Saint Charles, Saint John,
 16 Saint James, Ascension, Assumption, Livingston, Saint
 17 Helena, Iberville, East Baton Rouge, West Baton Rouge,
 18 Point Coupee, Saint Mary, and Saint Martin. The fourth
 19 congressional district comprises the parishes of East Feli-
 20 ciana, West Feliciana, Concordia, Avoyelles, Saint Landry,
 21 Lafayette, Vermillion, Calcasieu, Rapides, Sabine, Natchi-
 22 toches, De Soto, Caddo, and Caldwell. The fifth congres-
 23 sional district comprises the parishes of Carroll, Madison,
 24 Tensas, Catahoula, Franklin, Morehouse, Washita Union,
 25 Jackson, Bienville, Claiborne, Bossier, and Winn.

1 SEC. 17. *And be it further enacted,* That the represen-
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2 tatives in Congress from said State, under said census and
3 apportionment, shall be elected on the second Monday of July
4 anno Domini eighteen hundred and sixty-three, and on the
5 second Monday of July, biennially, thereafter. The polls at
6 said election shall be opened between the hours prescribed by
7 the laws of Louisiana.

1 SEC. 18. *And be it further enacted*, That said election
2 shall be held at the court-house of each parish of the State,
3 or such other place or places as may be designated by the
4 returning officer; at which election all citizens of the parish
5 in which the election is held, having the qualifications of
6 electors prescribed in the tenth article of the constitution of
7 Louisiana, shall have the right to vote. The mode of con-
8 ducting said election, and the proceedings at the polls, so far
9 as the same are not inconsistent with this act, shall be the
10 same as are prescribed in the laws of Louisiana.

1 SEC. 19. *And be it further enacted*, That, for the pur-
2 pose of holding and conducting said elections, the sheriffs
3 shall be the returning officers of their respective parishes;
4 and where there is no sheriff, the acting governor of the State
5 shall appoint for each parish one officer, to be styled the "re-
6 turning officer" of the parish, who shall appoint three judges
7 or inspectors of said election for each ballot-box, either of
8 whom may administer any oath or affirmation authorized by
9 law to be administered in conducting said election. Said re-

10 turning officers and inspectors shall be resident freeholders of
11 the parish for which they are appointed. Said inspectors may
12 appoint as many clerks to aid them in recording the names of
13 the voters at said election in the poll-lists, and in counting
14 the votes, as they shall deem necessary, not exceeding two in
15 number for each ballot-box. And it shall be the duty of such
16 returning officers to provide as many ballot-boxes, respect-
17 ively, and to appoint inspectors therefor at each place fixed
18 for voting, as may be necessary; and the same may be in-
19 creased at any time during the progress of the voting, if
20 necessary.

1 SEC. 20. *And be it further enacted,* That each of said
2 officers, including the clerks, before entering upon his duty
3 shall take an oath to support, protect, and defend the Consti-
4 tution and government of the United States against all enemies,
5 domestic and foreign, and to bear true faith, allegiance, and
6 loyalty to the same, any law, ordinance, or resolution of any
7 State legislature or convention to the contrary notwithstand-
8 ing. Each returning officer and clerk shall also take the
9 oaths prescribed for inspectors and clerks of election, respect-
10 ively, by the laws of Louisiana.

1 SEC. 21. *And be it further enacted,* That the acting
2 governor shall give thirty days' notice of the time of holding
3 such election by publication in at least two newspapers printed
4 in said State, and, if practicable, in one newspaper published

5 in, or in general circulation in, each congressional district; and
 6 it shall also be the duty of said returning officers of the parish
 7 to give notice by written advertisement, at the court-house
 8 door, and other public places in such parish, of the time and
 9 places for holding said election as soon as possible after re-
 10 ceiving notice of his or their appointment.

1 SEC. 22. *And be it further enacted*, That at a reason-
 2 able time, and not less than ten days prior to each election,
 3 the acting governor shall issue and cause to be delivered to
 4 the returning officer in each parish a writ of election, com-
 5 manding him to hold said election and make his return
 6 according to law.

1 SEC. 23. *And be it further enacted*, That every person
 2 offering to vote at any election by this act provided for,
 3 whose right to vote shall be challenged by any legal voter on
 4 the ground of disloyalty to the United States, shall take and
 5 subscribe the following oath, to wit: "I, ———, do sol-
 6 emnly swear (or affirm) that I will support, protect, and
 7 defend the Constitution and government of the United States
 8 against all enemies, whether domestic or foreign; that I will
 9 bear true faith, allegiance, and loyalty to the same, any
 10 ordinance, resolution, or law of any State convention, legisla-
 11 ture, or other organization, secret or otherwise, to the con-
 12 trary notwithstanding; and that I do this with a full deter-

13 mination and of my own free will, without any mental
14 reservation or evasion whatever.”

1 SEC. 24. *And be it further enacted,* That so soon as
2 practicable after the polls are closed and the rolls counted
3 the poll-books containing the names of the candidates voted
4 for, and the number of votes cast for each, shall be certified
5 and signed by the inspectors, and the poll-lists containing the
6 names of all the electors who voted at said election shall be
7 certified and signed by the clerks, and thereupon said poll-
8 lists and poll-books shall be delivered to the returning officer
9 of the parish, who shall deliver them at the office of the sec-
10 retary of state at the same time with the return of the writ
11 of election, there to be filed and preserved.

1 SEC. 25. *And be it further enacted,* That upon the re-
2 turn of the writs of election the acting governor and secretary
3 of state shall, in presence of such of the candidates and electors
4 as may choose to be present, canvass all the said returns so
5 made, and compare each return with the poll-book for the
6 same parish; and upon ascertaining the number of votes
7 cast for each candidate voted for, the acting governor shall
8 make and deliver to the candidate having the highest num-
9 ber of votes in his district an official certificate of his election.

1 SEC. 26. *And be it further enacted,* That if, from any
2 cause, the people of any congressional district in said State
3 shall fail to elect a representative to Congress at the time

4 provided for such election in this act, or if after such election
5 a vacancy in the representation of any district shall occur
6 by death, resignation, or otherwise, it is made the duty of
7 the acting governor to issue writs of election to fill the
8 vacancy so existing; which writs shall be executed and re-
9 turned, the election notified and conducted, and its results
10 authenticated in all respects in conformity with this act.

Passed the House of Representatives March 2, 1863.

Attest:

EM. ETHERIDGE, *Clerk.*